

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1041
91ST GENERAL ASSEMBLY

2355S.08T

2002

AN ACT

To repeal sections 67.1360, 92.327, 92.336, 94.875, 407.610 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 67.1360, 92.327, 92.336, 94.875, 407.610 and 620.467, RSMo, are
2 repealed and twenty new sections enacted in lieu thereof, to be known as sections 67.1360,
3 67.1800, 67.1802, 67.1804, 67.1806, 67.1808, 67.1810, 67.1812, 67.1814, 67.1816, 67.1818,
4 67.1820, 67.1822, 67.1958, 92.327, 92.336, 94.875, 311.481, 407.610 and 620.467, to read as
5 follows:

67.1360. The governing body of:

2 (1) A city with a population of more than seven thousand and less than seven thousand
3 five hundred;

4 (2) A county with a population of over nine thousand six hundred and less than twelve
5 thousand which has a total assessed valuation of at least sixty-three million dollars, if the county
6 submits the issue to the voters of such county prior to January 1, 2003;

7 (3) A third class city which is the county seat of a county of the third classification
8 without a township form of government with a population of at least twenty-five thousand but
9 not more than thirty thousand inhabitants;

10 (4) Any fourth class city having, according to the last federal decennial census, a
11 population of more than one thousand eight hundred fifty inhabitants but less than one thousand
12 nine hundred fifty inhabitants in a county of the first classification with a charter form of

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 government and having a population of greater than six hundred thousand but less than nine
14 hundred thousand inhabitants;

15 (5) Any city having a population of more than three thousand but less than eight
16 thousand inhabitants in a county of the fourth classification having a population of greater than
17 forty-eight thousand inhabitants;

18 (6) Any city having a population of less than two hundred fifty inhabitants in a county
19 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

20 (7) Any fourth class city having a population of more than two thousand five hundred
21 but less than three thousand inhabitants in a county of the third classification having a population
22 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

23 (8) Any third class city with a population of more than three thousand two hundred but
24 less than three thousand three hundred located in a county of the third classification having a
25 population of more than thirty-five thousand but less than thirty-six thousand;

26 (9) Any county of the second classification without a township form of government and
27 a population of less than thirty thousand;

28 (10) Any city of the fourth class in a county of the second classification without a
29 township form of government and a population of less than thirty thousand;

30 (11) Any county of the third classification with a township form of government and a
31 population of at least twenty-eight thousand but not more than thirty thousand;

32 (12) Any city of the fourth class with a population of more than one thousand eight
33 hundred but less than two thousand in a county of the third classification with a township form
34 of government and a population of at least twenty-eight thousand but not more than thirty
35 thousand;

36 (13) Any city of the third class with a population of more than seven thousand two
37 hundred but less than seven thousand five hundred within a county of the third classification with
38 a population of more than twenty-one thousand but less than twenty-three thousand;

39 (14) Any fourth class city having a population of more than two thousand eight hundred
40 but less than three thousand one hundred inhabitants in a county of the third classification with
41 a township form of government having a population of more than eight thousand four hundred
42 but less than nine thousand inhabitants;

43 (15) Any fourth class city with a population of more than four hundred seventy but less
44 than five hundred twenty inhabitants located in a county of the third classification with a
45 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

46 (16) Any third class city with a population of more than three thousand eight hundred
47 but less than four thousand inhabitants located in a county of the third classification with a
48 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

49 (17) Any fourth class city with a population of more than four thousand three hundred
50 but less than four thousand five hundred inhabitants located in a county of the third classification
51 without a township form of government with a population greater than sixteen thousand but less
52 than sixteen thousand two hundred inhabitants;

53 (18) Any fourth class city with a population of more than two thousand four hundred but
54 less than two thousand six hundred inhabitants located in a county of the first classification
55 without a charter form of government with a population of more than fifty-five thousand but less
56 than sixty thousand inhabitants;

57 (19) Any fourth class city with a population of more than two thousand five hundred but
58 less than two thousand six hundred inhabitants located in a county of the third classification with
59 a population of more than nineteen thousand one hundred but less than nineteen thousand two
60 hundred inhabitants;

61 (20) Any county of the third classification without a township form of government with
62 a population greater than sixteen thousand but less than sixteen thousand two hundred
63 inhabitants; [or]

64 (21) Any county of the second classification with a population of more than forty-four
65 thousand but less than fifty thousand inhabitants;

66 **(22) Any third class city with a population of more than nine thousand five**
67 **hundred but less than nine thousand seven hundred inhabitants located in a county of the**
68 **first classification without a charter form of government and with a population of more**
69 **than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand**
70 **two hundred inhabitants; or**

71 **(23) Any third class city with a population of more than nineteen thousand nine**
72 **hundred but less than twenty thousand in a county of the first classification without a**
73 **charter form of government and with a population of more than one hundred ninety-eight**
74 **thousand but less than one hundred ninety-eight thousand two hundred inhabitants;**

75 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels,
76 motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to
77 recreational boats which are used by transients for sleeping, which shall be at least two percent,
78 but not more than five percent per occupied room per night, except that such tax shall not
79 become effective unless the governing body of the city or county submits to the voters of the city
80 or county at a state general, primary or special election, a proposal to authorize the governing
81 body of the city or county to impose a tax pursuant to the provisions of this section and section
82 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any
83 charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law
84 and the proceeds of such tax shall be used by the city or county solely for funding the promotion

85 of tourism. Such tax shall be stated separately from all other charges and taxes.

67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

- 2 **(1) “Airport authority”, an entity established by city ordinance regarding**
3 **governance of the airport with representatives appointed by the chief executives of the city,**
4 **county, and other approximate counties within the region;**
- 5 **(2) “Airport”, Lambert-St. Louis International Airport and any other airport**
6 **located within the district and designated by a chief executive;**
- 7 **(3) “Airport taxicab”, a taxicab which picks up passengers for hire at the airport,**
8 **transports them to places they designate by no regular specific route, and the charge is**
9 **made on the basis of distance traveled as indicated by the taximeter;**
- 10 **(4) “Chief executive”, the mayor of the city and the county executive of the county;**
- 11 **(5) “City”, a city not within a county;**
- 12 **(6) “Commission”, the regional taxicab commission created in section 67.1804;**
- 13 **(7) “County”, a county with a charter form of government and with more than one**
14 **million inhabitants;**
- 15 **(8) “District”, the geographical area encompassed by the regional taxicab**
16 **commission;**
- 17 **(9) “Driver”, an individual operator of a motor vehicle and may be an employee or**
18 **independent contractor;**
- 19 **(10) “Hotel and restaurant industry”, the group of enterprises actively engaged in**
20 **the business of operating lodging and dining facilities for transient guests;**
- 21 **(11) “Municipality”, a city, town, or village which has been incorporated in**
22 **accordance with the laws of the state of Missouri;**
- 23 **(12) “On-call/reserve taxicab”, any motor vehicle or nonmotorized carriage engaged**
24 **in the business of carrying persons for hire on the streets of the district, whether the same**
25 **is hailed on the streets by a passenger or is operated from a street stand, from a garage on**
26 **a regular route, or between fixed termini on a schedule, and where no regular or specific**
27 **route is traveled, passengers are taken to and from such places as they designate, and the**
28 **charge is made on the basis of distance traveled as indicated by a taximeter;**
- 29 **(13) “Premium sedan”, any motor vehicle engaged in the business of carrying**
30 **persons for hire on the streets of the district which seats a total of five or less passengers**
31 **in addition to a driver and which carries in each vehicle a manifest or trip ticket containing**
32 **the name and pickup address of the passenger or passengers who have arranged for the**
33 **use of the vehicle, and the charge is a prearranged fixed contract price quoted for**
34 **transportation between termini selected by the passenger;**
- 35 **(14) “Taxicab”, airport taxicabs, on-call/reserve taxicabs and premium sedans**

36 referred to collectively as taxicabs;

37 (15) "Taxicab company", the use of one or more taxicabs operated as a business
38 carrying persons for hire;

39 (16) "Taximeter", a meter instrument or device attached to an on-call taxicab or
40 airport taxicab which measures mechanically or electronically the distance driven and the
41 waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries
2 which shall encompass any city not within a county and any county with a charter form
3 of government and with more than one million inhabitants, including all incorporated
4 municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional
2 Taxicab Commission", which shall be a body politic and corporate vested with all the
3 powers expressly granted to it herein and created for the public purposes of recognizing
4 taxicab service as a public transportation system, improving the quality of the system, and
5 exercising primary authority over the provision of licensing, control and regulations of
6 taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight
2 members, four of whom shall be appointed by the chief executive of the city with approval
3 of the board of aldermen, and four of whom shall be appointed by the chief executive of
4 the county with approval of the governing body of the county. Of the eight members first
5 appointed, one city appointee and one county appointee shall be appointed to a four-year
6 term, two city appointees and two county appointees shall be appointed to a three-year
7 term, and one city appointee and one county appointee shall be appointed to a one-year
8 term. Members appointed after the expiration of these initial terms shall serve a four-year
9 term. The chief executive officer of the city and the chief executive officer of the county
10 shall alternately appoint a chairperson who shall serve a term of three years. The
11 respective chief executive who appoints the members of the commission shall appoint
12 members to fill unexpired terms resulting from any vacancy of a person appointed by that
13 chief executive. All members and the chairperson must reside within the district while
14 serving as a member. All members shall serve without compensation. Nothing shall
15 prohibit a representative of the taxicab industry from being chairperson.

16 2. In making the eight appointments set forth in subsection 1 of this section, the
17 chief executive officer of the city and the chief executive officer of the county shall
18 collectively select four representatives of the taxicab industry. Such four representatives
19 of the taxicab industry shall include at least one from each of the following:

20 (1) An owner or designated assignee of a taxicab company which holds at least one

21 but no more than one hundred taxicab licenses;

22 (2) An owner or designated assignee of a taxicab company which holds at least one
23 hundred one taxicab licenses or more;

24 (3) A taxicab driver, excluding any employee or independent contractor of a
25 company currently represented on the commission.

26

27 The remaining five commission members shall be designated “at large” and shall not be
28 a representative of the taxicab industry or be the spouse of any such person nor be an
29 individual who has a direct material or financial interest in such industry. If any
30 representative of the taxicab industry resigns or is otherwise unable to serve out the term
31 for which such representative was appointed, a similarly situated representative of the
32 taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

2 (1) Develop and implement plans, policies, and programs to improve the quality of
3 taxicab service within the district;

4 (2) Cooperate and collaborate with the hotel and restaurant industry to:

5 (a) Restrict the activities of those doormen employed by hotels and restaurants who
6 accept payment from taxicab drivers or taxicab companies in exchange for the doormen's
7 assistance in obtaining passengers for such taxicab drivers and companies; and

8 (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they
9 operate solely on scheduled trips between fixed termini and shall have authority to create
10 guidelines for hotel and commercial shuttles;

11 (3) Cooperate and collaborate with other governmental entities, including the
12 government of the United States, this state, and political subdivisions of this and other
13 states;

14 (4) Cooperate and collaborate with governmental entities whose boundaries adjoin
15 those of the district to assure that any taxicab or taxicab company neither licensed by the
16 commission nor officed within its boundaries shall nonetheless be subject to those aspects
17 of the taxicab code applicable to taxicabs operating within the district's boundaries;

18 (5) Contract with any public or private agency, individual, partnership, association,
19 corporation or other entity, consistent with law, for the provision of services necessary to
20 improve the quality of taxicab service within the district;

21 (6) Accept grants and donations from public or private entities for the purpose of
22 improving the quality of taxicab service within the district;

23 (7) Execute contracts, sue, and be sued;

24 (8) Adopt a taxicab code to license and regulate taxicab companies and individual

25 taxicabs within the district consistent with existing ordinances, and to provide for the
26 enforcement of such code for the purpose of improving the quality of taxicab service within
27 the district;

28 (9) Collect reasonable fees in an amount sufficient to fund the commission's
29 licensing, regulatory, inspection, and enforcement functions; except that, for the first year
30 after the regional taxicab commission's taxicab code becomes effective, any increase in fees
31 shall not exceed twenty percent of the total fees collected and for subsequent years, the fees
32 may be adjusted annually based on the rate of inflation according to the Consumer Price
33 Index; and

34 (10) Establish accounts with appropriate banking institutions, borrow money, buy,
35 sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the
2 commission shall:

3 (1) Elect its own vice chair, secretary, and such other officers as it deems necessary,
4 make such rules as are necessary and consistent with the commission's powers;

5 (2) Provide for the expenditure of funds necessary for the proper administration of
6 the commission's assigned duties;

7 (3) Convene monthly meetings of the entire commission or more often if deemed
8 necessary by the commission members;

9 (4) Make decisions by affirmative vote of the majority of the commission; provided
10 that each of the commissioners, including the chairperson, shall be entitled to one vote on
11 each matter presented for vote and provided further that at least two city appointees and
12 two county appointees, excluding the chairperson, must be included in each majority vote
13 of the commission.

14 2. The commission shall not exceed or expend moneys in excess of any fees collected
15 and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab
2 commission shall meet for the purpose of establishing and adopting a district-wide taxicab
3 code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably
4 practical, to preserve within the code provisions similar to those contained in chapter 8.98
5 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating
6 to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding
7 unnecessary overlaps or inconsistencies between the ordinances. The commission shall
8 present a draft of its district-wide taxicab code at public hearings, one of which will be held
9 in the city and another in the county, following prior public notice of same. Notice of the
10 public hearing shall be given by publication at least twice, the first publication to be not

11 more than thirty days and the second publication to be not more than ten days prior to
12 each hearing in a newspaper of general circulation in the city and county. The commission
13 shall adopt its taxicab code no later than one hundred eighty days after the appointment
14 of the initial commission members. The commission shall have the power to amend the
15 taxicab code from time to time following the initial adoption without the requirement of
16 public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport
2 authority generally regarding the taxicab code and, in particularly with reference to
3 airport taxicabs, shall seek to ensure:

4 (1) Continuous, smooth airport service during any transition period from the
5 current city and county operation to the new regional taxicab commission;

6 (2) The need of the airport authority to provide services at the airport's passenger
7 terminals; and

8 (3) Airport authority involvement as to the servicing of the airport by airport
9 taxicabs.

10 The commission shall not regulate the airport or airport taxicabs as to cab parking,
11 circulation, cab stands, or passenger loading at the airport, or the payment by airport
12 taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full
2 force and effect and be enforced as such by the city and county until one hundred twenty
3 days after the regional taxicab commission adopts its taxicab code, at which time such city
4 and county ordinances shall be deemed to be rescinded as well as ordinances adopted by
5 municipalities within the county. Upon the effective date of the taxicab code:

6 (1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement
7 of the taxicab code shall rest exclusively with the regional taxicab commission;

8 (2) All taxicabs subject to the taxicab code shall be required to comply fully with the
9 taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

10 (3) All permits valid and effective as of August 28, 2002, shall remain valid and
11 effective until the date of expiration or renewal of such permit; and

12 (4) All available taxicab licensing, inspection, and related fees previously collected
13 and remaining unspent by other jurisdictions shall be immediately paid over the regional
14 taxicab commission for its future use in administering the taxicab code.

15

16 The provisions of this section notwithstanding, existing municipal regulations relating to
17 taxicab curb locations and curb fees as well as local business licenses which do not seek to
18 regulate taxicab use shall not be preempted by the taxicab code except by agreement

19 between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal,
2 administrative procedure for decisions involving the granting, denying, suspending, or
3 revoking of licenses. The commission shall study and take into account rate and fee
4 structures as well as the number of existing taxicab licenses within the district in
5 considering new applications for such licenses. The internal procedures set forth in the
6 taxicab code shall allow appeals from license-related decisions to be conducted by
7 independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public
2 hearings thereon, an annual fee-generated budget required for the effective
3 implementation and enforcement of the taxicab code, taking into account staffing
4 requirements and related expenses as well as all revenue sources, including collection of
5 fees previously paid to and unspent by other enforcing jurisdictions and future fees
6 projected to be collected by the commission. Recognizing the elimination of duties and costs
7 associated with the regulatory and enforcement functions of taxicab administration
8 previously borne by the city and county and being assumed by the commission, the city and
9 county shall have the authority to appropriate additional budgetary funding for the
10 commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab
2 commission shall make an annual report to the chief executive officers and to the governing
3 bodies of the city and county stating the conditions of the commission as of the first day of
4 January of that year, and the sums of money received and distributed by it during the
5 preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the
7 close of each fiscal year thereafter, the chief executives of the city and the county shall
8 appoint one or more certified public accountants who shall annually examine the books,
9 papers, documents, accounts, and vouchers of the commission, and who shall report
10 thereon to the chief executives of the city and the county and to the regional taxicab
11 commission. The commission shall produce and submit for examination all books, papers,
12 documents, accounts, and vouchers, and shall in every way assist such certified public
13 accountants in the performance of their duties pursuant to this section.

67.1958. A tourism community enhancement district may modify the requirements
2 of sections 67.1956 and 67.1968 by an affirmative vote of the qualified voters of such
3 district provided any such modifications are placed upon and approved by the qualified
4 voters, on the same ballot as the sales tax provided in section 67.1959.

92.327. 1. Any city may submit a proposition to the voters of such city:

2 (1) A tax not to exceed [six] **seven** and one-half percent of the amount of sales or
3 charges for all sleeping rooms paid by the transient guests of hotels, motels and tourist courts
4 situated within the city involved, and doing business within such city (excluding sales tax); and

5 (2) A tax not to exceed [one and three-fourths] **two** percent of the gross receipts derived
6 from the retail sales of food by every person operating a food establishment.

7 2. Such taxes shall be known as the "convention and tourism tax" and when collected
8 shall be deposited by the city treasurer in a separate fund to be known as the "Convention and
9 Tourism Fund". The governing body of the city shall appropriate from the convention and
10 tourism fund as provided in sections 92.325 to 92.340.

92.336. The revenues received from the tax authorized under sections 92.325 to 92.340
2 shall be used exclusively for the advertising and promotion of convention and tourism business
3 **and international trade** for the city from which it is collected, subject to the following
4 requirements:

5 (1) Not less than forty percent of the proceeds of any tax imposed pursuant to
6 subdivision (1) of section 92.327 shall be appropriated and paid to a general not for profit
7 organization, with whom the city has contracted, and which is incorporated in the state of
8 Missouri and located within the city limits of such city, established for the purpose of promoting
9 such city as a convention, visitors and tourist center with the balance to be used for operating
10 expenses and capital expenditures, including debt service, for sports, convention, exhibition,
11 trade and tourism facilities located within the city limits of the city;

12 (2) Not less than ten percent of the proceeds of any tax imposed pursuant to subdivision
13 (1) of section 92.327 shall be appropriated to a fund that hereby shall be established and called
14 the "Neighborhood Tourist Development Fund". Such moneys from said funds shall be paid to
15 not-for-profit neighborhood organizations with whom the city has contracted, and which are
16 incorporated in the state of Missouri and located within the city limits of such city established
17 for the purpose of promoting such neighborhood through cultural, social, ethnic, historic,
18 educational, and recreational activities in conjunction with promoting such city as [a] **an**
19 **international trade**, convention, visitors and tourist center;

20 (3) The proceeds of any tax imposed pursuant to subdivision (2) of section 92.327 shall
21 be used by the city only for capital expenditures, including debt service, for sports, convention,
22 exhibition, trade and tourism facilities located within the city limits of the city.

94.875. All taxes authorized and collected under sections 94.870 to 94.881 shall be
2 deposited by the political subdivision in a special trust fund to be known as the "Tourism Tax
3 Trust Fund". The moneys in such tourism tax trust fund shall not be commingled with any other
4 funds of the political subdivision **except as specifically provided herein**. The taxes collected
5 shall be used, upon appropriation by the political subdivision, solely for the purpose of

6 constructing, maintaining, or operating convention and tourism facilities, and at least twenty-five
7 percent of such taxes collected shall be used for tourism marketing and promotional purposes;
8 **except that in any city with a population of less than one thousand five hundred**
9 **inhabitants, forty percent of such taxes collected may be transferred to such city's general**
10 **revenue fund and the remaining thirty-five percent may be used for city capital**
11 **improvements, pursuant to voter approval.** The moneys in the tourism tax trust fund of any
12 city with a population of at least fifteen thousand located partially but not wholly within a county
13 of the third classification with a population of at least thirty-nine thousand inhabitants shall be
14 used solely for tourism marketing and promotional purposes. The tax authorized by section
15 94.870 shall be in addition to any and all other sales taxes allowed by law, but no ordinance or
16 order imposing a tax under section 94.870 shall be effective unless the governing body of the
17 political subdivision submits to the voters of the political subdivision at a municipal or state
18 general, primary, or special election a proposal to authorize the governing body of the political
19 subdivision to impose such tax.

311.481. 1. Notwithstanding any other provisions of this chapter to the contrary, any
2 **person who possesses the qualifications required by this chapter, and who now or hereafter**
3 **meets the requirements of and complies with the provisions of this chapter, may apply for,**
4 **and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as**
5 **defined in this chapter, by the drink between the hours of 11:00 a.m. on Sunday and**
6 **midnight on Sunday at retail for consumption on the premises of any airline club as**
7 **described in the application. As used in this section, the term "airline club" shall mean an**
8 **establishment located within an international airport and owned, leased, or operated by**
9 **or on behalf of an airline, as a membership club and special services facility for passengers**
10 **of such airline.**

11 **2. The authority for the collection of fees by cities and counties as provided in**
12 **section 311.220, and all other laws and regulations of the state relating to the sale of liquor**
13 **by the drink for consumption on the premises where sold, shall apply to each airline club**
14 **in the same manner as they apply to establishments licensed pursuant to sections 311.085,**
15 **311.090 and 311.095, and in addition to all other fees required by law, a person licensed**
16 **pursuant to this section shall pay an additional fee of two hundred dollars a year payable**
17 **at the same time and in the same manner as its other fees; except that the requirements**
18 **other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply.**

407.610. 1. Any person who intends to use any promotional device or promotional
2 program, including any sweepstakes, gift award, drawing or display booth, or any other such
3 award or prize inducement items, to advertise, solicit sales or sell any time-share period,
4 time-share plan, or time-share property in the state of Missouri **or sell any tourist-related**

5 **services as defined pursuant to subsection 8 of this section where a consumer is required**
6 **to provide any consideration other than monetary for such tourist-related services,** shall
7 notify the Missouri attorney general in writing of this intention not less than fourteen days prior
8 to release of such materials to the public. Included with such notice shall be an exact copy of
9 each promotional device and promotional program to be used. Each promotional device,
10 promotional program, and the notice thereof shall include the following information:

11 (1) A statement that the promotional device or promotional program is being used for the
12 purpose of soliciting sales of a time-share period, time-share plan or time-share property;

13 (2) The date by which all such awards or other prize inducement items will be awarded;

14 (3) The method by which all such items will be awarded;

15 (4) The odds of being awarded such items;

16 (5) The manufacturer's suggested retail price of such items; and

17 (6) The names and addresses of each time-share plan or business entity participating in
18 the promotional device or promotional program.

19 2. Any material change in a promotional device or promotional program previously
20 submitted to the attorney general shall constitute a new promotional device or promotional
21 program and shall be resubmitted to the attorney general with the notice thereof.

22 3. It shall be a violation of section 407.020 for any person to:

23 (1) Fail to comply with the provisions of the notice requirements of this section;

24 (2) Provide to the attorney general in the notice required by this section any information
25 that is false or misleading in a material manner;

26 (3) Represent to any person that the filing of the notice of the promotional device or the
27 promotional program constitute an endorsement or approval of the promotional device or
28 promotional program by the attorney general;

29 (4) Engage in any act or practice declared to be unlawful by section 407.020 in
30 connection with the use of any promotional device or promotional program or any advertisement,
31 or sale of time-share plans, time-share periods or time-share property.

32 4. At least one of each prize featured in a promotional program shall be awarded by the
33 day and year specified in the promotion. When a promotion promises the award of a certain
34 number of each prize, such number of prizes shall be awarded by the date and year specified in
35 the promotion. A record shall be maintained containing the names and addresses of winners of
36 the prizes and the record shall be made available, upon request, to the public, upon the payment
37 of reasonable reproduction costs. If a seller for any reason does not provide, at the time of a site
38 visitation or visitation to a time-share sales office, the inducement gift which was promised, the
39 seller shall deliver the gift, or an acceptable substitute therefor agreed upon in writing, to the
40 prospective purchaser or purchaser no later than ten days following such visitation, or shall

41 deliver instead of such gift cash in an amount equal to the retail value of the gift.

42 5. If a prospective purchaser or purchaser does not receive the gift or the cash as provided
43 in subsection 4 of this section, he may bring an action under the provisions of section 407.025.
44 For purposes of actions brought pursuant to this section, the term "actual damages", as used in
45 section 407.025, shall mean at least five times the cash retail value of the most expensive gift
46 offered, but shall not exceed one thousand dollars, in addition to such other actual damages as
47 may be determined by the evidence.

48 6. The provisions of sections 407.600 to 407.630 shall not apply to a person who has
49 acquired a time-share period for his own occupancy and later offers it for resale.

50 7. If the sale of a time-share plan or of time-share property is subject to the provisions of
51 sections 407.600 to 407.630, such sale shall not be subject to the provisions of chapter 339,
52 RSMo.

53 **8. For the purposes of this section, the term "Tourist-related services" includes but**
54 **is not limited to, selling or entering into contracts or other arrangements under which a**
55 **purchaser receives a premium, coupon or contract for car rentals, lodging, transfers,**
56 **entertainment, sightseeing or any service reasonably related to air, sea, rail, motor coach**
57 **or other medium of transportation directly to the consumer.**

620.467. 1. The state treasurer shall annually [transfer] **deposit** an amount prescribed
2 in this section out of the general revenue fund pursuant to section 144.700, RSMo, in a fund
3 hereby created in the state treasury, to be known as the "Division of Tourism Supplemental
4 Revenue Fund". The state treasurer shall administer the fund, and the moneys in such fund,
5 except the appropriate percentage of any refund made of taxes collected under the provisions of
6 chapter 144, RSMo, shall be used solely by the division of tourism of the department of
7 economic development to carry out the duties and functions of the division as prescribed by law.
8 Moneys [transferred to] **deposited in** the division of tourism supplemental revenue fund shall
9 be in addition to a budget base in each fiscal year. For fiscal year 1994, such budget base shall
10 be six million two hundred thousand dollars, and in each succeeding fiscal year the budget base
11 shall be the prior fiscal year's general revenue base plus any additional appropriations made to
12 the division of tourism, including one hundred percent of the prior fiscal year's [transfers]
13 **deposits** made to the division of tourism supplemental revenue fund pursuant to this section.
14 The general revenue base shall decrease by ten percent in each fiscal year following fiscal year
15 1994. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the
16 division of tourism supplemental revenue fund at the end of any biennium shall not be
17 [transferred] **deposited** to the credit of the general revenue fund.

18 2. In fiscal years 1995 to 2010, a portion of general revenue determined pursuant to this
19 subsection, shall be [transferred] **deposited** to the credit of the division of tourism supplemental

20 revenue fund pursuant to subsection 1 of this section. The director of revenue shall determine
21 the amount [transferred] **deposited** to the credit of the division of tourism supplemental revenue
22 fund in each fiscal year by computing the previous year's total appropriation into the division of
23 tourism supplemental revenue fund and adding to such appropriation amount the total amount
24 derived from the retail sale of tourist-oriented goods and services collected pursuant to the
25 following sales taxes: state sales taxes; sales taxes collected pursuant to sections 144.010 to
26 144.430, RSMo, that are designated as local tax revenue to be deposited in the school district
27 trust fund pursuant to section 144.701, RSMo; sales taxes collected pursuant to section 43(a) of
28 article IV of the Missouri Constitution; and sales taxes collected pursuant to section 47(a) of
29 article IV of the Missouri Constitution. If the increase in such sales taxes derived from the retail
30 sale of tourist-oriented goods and services in the fiscal year three years prior to the fiscal year in
31 which each [transfer] **deposit** shall be made is at least three percent over such sales taxes derived
32 from the retail sale of tourist-oriented goods and services generated in the fiscal year four years
33 prior to the fiscal year in which each [transfer] **deposit** shall be made, an amount equal to
34 one-half of such sales taxes generated above a three percent increase shall be calculated by the
35 director of revenue and the amount calculated shall be [transferred] **deposited** by the state
36 treasurer to the credit of the division of tourism supplemental revenue fund.

37 3. Total [transfers to] **deposits in** the supplemental revenue fund in any fiscal year
38 pursuant to subsections 1 and 2 of this section shall not exceed the amount [transferred]
39 **deposited** into the division of tourism supplemental revenue fund in the fiscal year immediately
40 preceding the current fiscal year by more than three million dollars.

41 4. As used in this section, "sales of tourism-oriented goods and services", are those sales
42 by businesses registered with the department of revenue under the following SIC Codes:

- 43 (1) SIC Code 5811;
- 44 (2) SIC Code 5812;
- 45 (3) SIC Code 5813;
- 46 (4) SIC Code 7010;
- 47 (5) SIC Code 7020;
- 48 (6) SIC Code 7030;
- 49 (7) SIC Code 7033;
- 50 (8) SIC Code 7041;
- 51 (9) SIC Code 7920;
- 52 (10) SIC Code 7940;
- 53 (11) SIC Code 7990;
- 54 (12) SIC Code 7991;
- 55 (13) SIC Code 7992;

56 (14) SIC Code 7996;
57 (15) SIC Code 7998;
58 (16) SIC Code 7999; and
59 (17) SIC Code 8420.

60 5. Prior to each appropriation from the division of tourism supplemental revenue fund,
61 the division of tourism shall present to the committee on tourism, recreational and cultural affairs
62 of the house of representatives and to the transportation and tourism committee of the senate, or
63 their successors, a promotional marketing strategy including, but not limited to, targeted markets,
64 duration of market plans, ensuing market strategies, and the actual and estimated investment
65 return, if any, resulting therefrom.

66 6. This section shall become effective July 1, 1994. This section shall expire June 30,
67 2010.

Section B. Because immediate action is necessary to clarify the law relating to Sunday
2 liquor sales in airline clubs, the enactment of section 311.481 of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of section
5 311.481 of this act shall be in full force and effect upon its passage and approval.